

10/784,553

REMARKSA. Period For Reply

A shortened statutory period for reply was set to expire three months from the mailing date of the Office Action of May 20, 2005. May 20, 2005 plus three months was August 20, 2005. This paper, as part of an RCE, is being filed on or before Tuesday, September 20, 2005 with an extension of time for one month.

B. Status

The Office Action of May 20, 2005 was made final.

C. Disposition Of Claims

Claims 1-7 are pending.

D. Application Papers

At the appropriate time, approval of the formal drawings, submitted with the filing of this case on February 23, 2004, would be appreciated.

E. Priority under 35 U.S.C. §§ 119 and 120

Acknowledgement of the claim for foreign priority would be appreciated.

Receipt of the certified copy was acknowledged on page 2 of the Office Action of October 13, 2004. This is appreciated.

As to domestic priority, this case does not claim domestic priority.

F. Attachments

Applicant filed two PTO-1449 forms in this case (one with the filing of this case on February 23, 2004 and one on October 17, 2004). These PTO-1449 forms have been signed

{17979.DOC} (Preliminary Amendment--page 6 of 9)

10/784,553

and all of the references listed on the forms have been initialed by the Patent Office. This is very much appreciated.

G. Basis for amendments

Independent claim 1 has been amended by incorporating therein all of the limitations of dependent claim 8. Dependent claim 8 was directed to a process. (Please also see original claim 4).

Further basis for claim 1 is found in claim 1 as originally filed.

Still further basis for claim 1 is found at the following locations in the specification: 1) from page 2, line 28 to page 3, line 10; 2) on page 7, lines 9-16; and 3) on page 16, lines 19-22.

Basis for the amendment to claim 2 is found at least in claim 2 as originally filed.

Basis for the amendment to claim 3 is found at least on page 12, line 25 to page 13, line 8.

Basis for the amendment to claim 4 is found at least on page 11, lines 23-36.

Basis for the amendment to claim 5 is found at least on page 13, lines 9-15.

Basis for the amendment to claim 6 is found at least on page 13, lines 15-17.

Basis for the amendment to claim 7 is found at least on page 22, lines 3-10.

H. The Office Action

On page 2 of the Office Action, claims 7 and 8 were objected to. Namely, the phrase "the two reboilers" was objected to in light of the initially recited "at least two reboilers." The claims, including claim 7, have been

{17979.DOC} (Preliminary Amendment--page 7 of 9)

10/784,553

amended to recite "said at least two reboilers." Claim 8 and its subject matter is now found in claim 1, which has also been amended to recite "said at least two reboilers."

On page 2 of the Office Action, claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneda et al. (6,596,129) in view of Skraba et al. (3,803,002) or Liebert (4,189,616). This rejection is respectfully traversed, and applicant's arguments in the Amendment and Remarks of February 8, 2005 are hereby incorporated by reference.

The Office Action asserts and applicant accepts at the present time for the sake of argument the following three points:

1. The fluid-in-process (product) is not the basis for patentability of an apparatus claim (please see lines 1-2, page 3 of the Office Action).
2. The apparatus does not even see what goes through it (please see lines 2-3, page 3 of the Office Action).
3. By now it is well-settled that the object, manner or method in which an apparatus is to be utilized is not germane to the issue of patentability itself (please see lines 18-10, page 3 of the Office Action).

For a consistent interpretation of patentability, and for a consistent application of the above noted three points, it is respectfully submitted that the Patent Office must allow--or at least consider in light of the above three points--amended independent claim 1. Why? Because independent claim 1 is (and canceled dependent claim 8 was) directed toward a process, not an apparatus.

Accordingly, the following is relevant:

- Claim 1 positively recites the acrylic acid family. Acrylic acid is easily polymerizable. Since the channeling of liquid or vapor is prevented in the present invention, the formation and adhesion of the

(17979.doc) (Preliminary Amendment--page 8 of 9)

10/784,553

polymer in the distillation column is effectively prevented.

- The substance treated in the Skraba et al. reference is hydrocarbon. Hydrocarbon cannot polymerize.
- The isoparaffin of Liebert is a non-polymerizable substance.
- Skraba et al. and Liebert do not suggest a problem that the channeling of liquid or vapor causes the formation and adhesion of the polymer. Even Yoneda et al., which reference does relate to acrylic acid, does not suggest such a problem.

Thus, the combination of Yoneda et al. in view of Skraba et al. or Liebert cannot stand.

I. Summary of phone conference

Although not strictly a telephone interview, Examiner Manoharan on September 7, 2005 returned a voice mail message placed by the undersigned and said, in the understanding of the undersigned, that the filing of an RCE (and not divisional) would be acceptable here. Previously, dependent claim 8 was the only process claim. Currently, all claims call out a process.

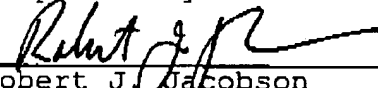
J. Summary

The Examiner is respectfully invited to make contact with the undersigned by telephone if such would advance prosecution of this case.

Date: 9.20.05

Tel. No.: (651) 699-7900
Fax. No.: (651) 699-7901

Respectfully submitted,


Robert J. Jacobson

Reg. No. 32,419
650 Brimhall Street South
St. Paul, MN 55116-1511

(17979.DOC) (Preliminary Amendment--page 9 of 9)